



Federal Public Prosecutor's Office v. Euclebe Roberto Vessoni, et al.

Federal Public Prosecutor's Office v. Euclebe Roberto Vessoni, et al., RE 541627/PA, Supremo Tribunal Federal [Federal Supreme Court] (2008).

Country: Brazil

Region: Americas

Year: 2008

Court: Supremo Tribunal Federal [Federal Supreme Court]

Health Topics: Health care and health services, Health systems and financing, Occupational health

Human Rights: Right to health, Right to life

Facts

The Federal Prosecutor's Office filed an extraordinary appeal against the decision of the First Region Federal Court, which ruled that crimes against employees amounting to conditions analogous to slavery (crime against the organization of work), exposure to risk of life and health of such workers, the frustration of their labor rights and omission of data in their work and social security files did not fall under the federal jurisdiction and that the issue should be transferred to the State Court.

In the first appeal to the First Region Federal Court, the workers alleged that the Federal Prosecutor did not have legal authority to file the issue once the crimes ultimately alleged were not included as crimes within the interest of the Union. The court decided in favor of the defendants.

The Federal Prosecutor, in the extraordinary appeal, alleged that these crimes should be adjudicated by federal jurisdiction once they constituted crimes against the interest of the Union (article 109 CF). Respondents argued that many of the crimes reported by the Federal Prosecutor were crimes directed only to those individual workers, and were not against the organization of work, therefore were not federal jurisdiction.

Decision and Reasoning

The Supreme Federal Court upheld the decision of the federal judge that declared that the federal courts of jurisdiction do not have the jurisdiction over the crime of frustration of law guaranteed by labor law, the crime of omission of data in the portfolios of work and Social Security, and crime of exposure of life and health to risk.

The Court explained that to judge crimes related to the interests of the Union, and the crime against the Social Security would need a reevaluation of the evidences, which is not allowed in the extraordinary appeal, and also that many of the crimes reported by the Federal Prosecutor were crimes directed only to those individual workers, and were not against the organization of work, therefore were not federal jurisdiction.

With regards to the crime of against employees amounting to conditions analogous to slavery, the Supreme Federal Court ruled that this crime was within federal jurisdiction because it was considered a crime against the organization of work, as understood under article 109, VI, of the Federal Constitution of Brazil, once any conduct that violates the right of the employee that is protected by the Federal Constitution is a crime against the organization of work.

The court ruled that the conducts attributed to the defendants violates the limits of the individual liberty and the health of the workers reduced to conditions analogous to slavery, wounding the principle of dignity of the human being and the freedom of work.

Decision Excerpts

"5.[...] quaisquer condutas que violem não só o sistema de órgãos e instituições que preservam, coletivamente, os direitos e deveres dos trabalhadores, mas também o homem trabalhador, atingindo-o nas esferas em que a Constituição lhe confere proteção máxima, enquadram-se na categoria dos crimes contra a organização do

trabalho, se praticadas no contexto de relação de trabalho."

"6. As condutas atribuídas aos recorridos, em tese, violam bens jurídicos que extrapolam os limites da liberdade individual e da saúde dos trabalhadores reduzidos à condição análoga à de escravos, malferindo o princípio da dignidade da pessoa humana e da liberdade do trabalho."

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